

ARTICLE APPEARED
ON PAGE 2

WASHINGTON POST
19 October 1983

Alleged Spy's Lawyer Seeks Plea Bargain

By Howard Kurtz

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A lawyer for James "Durward" Harper Jr., accused of selling defense secrets to Polish intelligence since 1979, said he plans to meet with federal prosecutors today in an effort to negotiate a plea for his client.

Attorney William Dougherty said in a telephone interview yesterday that when Harper was arrested Saturday and shown a detailed FBI affidavit on his activities, "he read it and collapsed. He said, 'Oh my God, they know everything about it.'"

Dougherty said he plans to tell aides to the U.S. attorney in San Francisco that Harper wants to cooperate and hopes to avoid a trial.

"We're going to work out something," Dougherty said.

New details emerged on the case of Harper, 49, a Silicon Valley electronics expert charged with receiving \$250,000 for classified documents on the U.S. Minuteman missile and other strategic forces. The FBI said Polish agents passed these documents to Soviet intelligence agents.

Dougherty said that Harper first contacted him in September, 1981, identifying himself only as "Jay," and that they met at least eight times in various bars and coffee shops. He said he did not learn Harper's identity until Monday.

Dougherty said he spent months trying to persuade John Martin, the Justice Department's chief of internal security, to grant Harper immunity from prosecution in exchange for cooperation. He said he relayed "pretty damn decent" information about Harper's trips abroad and dealings with U.S. middlemen in passing documents to the Poles.

But Dougherty said Justice "wouldn't deal with an unknown person. They wouldn't trust him."

"We wouldn't bite," Justice Department spokesman John Russell confirmed. "We wouldn't [offer] immunity at least until he was more forthcoming. His lawyer didn't even know who he was."

Dougherty said Harper contacted him after seeing the lawyer's name in "The Falcon and the Snowman," a book about Christopher Boyce, a convicted spy represented by Dougherty. He said Harper had been lured by the "adventure" of traveling around the world and "playing spy."

Dougherty said Harper had told him he did not know the identities of the Polish agents who received the classified data.

Dougherty said he saw William Bell Hogle, a Silicon Valley engineer identified in the affidavit as the man who introduced Harper to Polish agents, outside the room of the grand jury investigating the case.

The FBI said Harper obtained the classified papers from his second wife, Ruby Louise Schuler, a secretary for a Defense Department contractor. Harper married Schuler in 1980, and court records say she died in June from cirrhosis of the liver.

The FBI said Harper planned to use his espionage money to make payments to his first wife, Colleen, and their children. Harper's third wife, Penny Cook, reportedly vanished from their apartment last weekend.

A key figure is a former high-ranking officer in Polish intelligence, identified only as "the source." FBI documents say he supplied much of the information on Harper.